

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

UNITED STATES OF AMERICA,

Plaintiff,

v.

ADEMAR ROJAS-ORELLANA,

Defendant.

CASE NO. CR13-5401BHS

ORDER

This matter comes before the Court on Defendant's unopposed motion to continue the trial date. The Court, having considered the unopposed motion, the affidavit of defense counsel in support of the motion and the Defendant's speedy trial waiver, makes the following findings of fact and conclusions of law:

1. Defense counsel needs additional time to review discovery in a related matter, CR13-5597BHS, which the defense received on October 23, 2013. The defense expects additional discovery will be forthcoming at a Rule 16 Conference set for December 6, 2013.

2. The defense needs additional time to explore all relevant issues and defenses applicable to the case, which would make it unreasonable to expect adequate preparation for pretrial proceedings or for trial itself within the time limits established by the Speedy Trial Act and currently set for this case. 18 U.S.C. § 3161(h)(7)(B)(ii).

1 3. Taking into account the exercise of due diligence, a continuance is necessary to allow
2 the defendant the reasonable time for effective preparation his defense, to explore resolution of
3 this case before trial and to substantially ensure continuity of defense counsel. 18 U.S.C. §
4 3161(h)(7)(B)(iv).

5 4. Proceeding to trial absent adequate time for the defense to prepare would result in a
6 miscarriage of justice. 18 U.S.C. §3161(h)(7)(B)(i).

7 5. The ends of justice served by granting this continuance outweigh the best interests of
8 the public and the defendant in a speedy trial. 18 U.S.C. § 3161(h)(7)(A) and (B).

9 6. Defendant waived speedy trial through February 28, 2014.

10 NOW, THEREFORE, IT IS HEREBY ORDERED

11 That the trial date is continued from December 17, 2013, to January 28, 2014, at 9:00
12 a.m. Pretrial Conference is set for January 21, 2014, at 1:30 p.m. The resulting period of delay
13 from December 4, 2013, to January 28, 2014, is hereby excluded for speedy trial purposes under
14 18 U.S.C. § 3161(h)(7)(A) and (B).

15 Dated this 10th day of December, 2013.

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18 BENJAMIN H. SETTLE
19 United States District Judge
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